

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: Pltf. demands jury trial, 10-28-71

D. C. Form No. 106A Rev.

6

## TITLE OF CASE

## ATTORNEYS

DEXTER FRANCIS and ELLA FRANCIS,  
Plaintiffs,

vs.

O'BRIEN FOODS, INC., A CORPORATION:  
TYSON POULTRY, INC., A CORPORATION:  
and SOUTHWEST CITY INDUSTRIAL  
DEVELOPMENT CORPORATION, A CORPORA-  
TION,

Defendants.

For plaintiff:

E. Edd Pritchett *943-9693*  
Paul M. Kimball  
950 National Foundation Life Bldg.  
Oklahoma City, Okla. 73112

For defendant:

B. W. Tabor (For Tyson Poultry)  
Rucker Building *1200 Box 1439*  
Tulsa, Okla. 74127

Bob Davidson (For O'Brien Foods)  
Home Federal Building  
Tulsa, Okla. 74103

W. J. Collingsworth (For SWC-IDC)  
N.B.T. Building  
Tulsa, Okla. 74103

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>11-1-71</i>	Clerk	10-28-71	Pritchett	15.00	
		11-3-71	CD 21		15.00
J.S. 6 mailed <i>9-1-72</i>	Marshal				
Basis of Action: Injunction from Pollution	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-28-71	Complaint filed and Summons issued. v ---Pltf. demands jury trial.	
10-28-71	Notice of Motion for Preliminary Injunction before Magistrate Bradford in Courtroom No. 4528, U.S. Courthouse, in Tulsa, Okla., on 11-4-71, at 10:00 A. M., filed. v	
10-28-71	Application for Preliminary Injunction from Plaintiffs, filed. v	
11-4-71	Order by Court that Magistrate hear Plaintiff's Application for Preliminary Injunction. (AEB-J)v	
11-4-71	This Application having been referred to the United States Magistrate for hearing and recommendation, the United States Magistrate recommends that Plaintiffs Application for preliminary injunction be denied. --Plaintiff Dexter Francis was present and represented by E. Edd Pritchett and Paul M. Kimball. Defendants represented by B.W. Tabor for Tyson Poultry; Bob Davidson for O'Brien Foods; and W. J. Collingsworth for Southwest City Industrial Development Corp. Plaintiff called two witnesses--1. Dexter Francis and 2. Dr. George Reid. Plaintiff entered one exhibit-a map of Soil Conservation in 1968-which the Magistrate let Pltf.'s Attorney withdrawal. Defendants' Attorneys called <del>two</del> witness--Mr. Donald O'Brien, Pres. of O'Brien Foods, Inc. Defendants' Attorneys entered four (4) exhibits--four cancelled checks paying <del>water and sewage</del> by O'Brien Foods, Inc. Magistrate gave permission to substitute copies for originals so Defendant could keep originals. Then Defendant called their second and final witness, Courtney Crouch. --Mr. Bob Davidson Defendant, O'Brien Foods, attorney is to prepare the order.(MLB-U.S. Mag.)v	
11-4-71	Special Appearance on behalf of O'Brien Foods, Inc., filed in open court. v	
11-5-71	Return on notice, filed. Served O'Brien Foods, Inc. by serving Donald F. O'Brien at Pineville, Mo. on 10-29-71. \$44.00. Served Tyson Poultry by serving Lee B. Thompson, registered agent, First Natl Center, Okla City, Okla, on 10-29-71. \$4.00. Served SW City Industrial Development Corp. by serving C. D. Dollingsworth, SW City, Mo. on 10-29-71. \$4.00. Served O'Brien Foods, Inc. by serving Donald E. O'Brien, Pineville, Mo. on 10-29-71. Served Tyson Poultry by serving Lee B. Thompson, registered agent, at 1st natl center, Okla City, Okla, on 10-29-71. Served SW City Industrial Development Corp. by serving C. D. Collingsworth, service agent, at SW City, Mo. on 10-29-71. \$28.56 ds Separate answer of Tyson Poultry, Inc., a corp. filed. ds	
11-8-71		
11-18-71	Special appearance and motion to dismiss of Deft., O'Brien Foods, Inc., filed. v	
11-18-71	Brief of Defendant, O'Brien Foods, Inc., in support of motion to dismiss, filed. v	
11-18-71	Ordered by the Court that Plaintiff is granted 10 days from this date to respond to Defendant, O'Brien Foods, Inc.'s Special Appearance and Motion to Dismiss. (AEB-J)v	
11-18-71	Special Appearance of Southwest City Industrial Development Corporation and Motion to Dismiss of said Defendant, filed. v	
11-18-71	Brief of Defendant Southwest City Industrial Development Corporation in Support of Motion to Dismiss, filed. v	
11-18-71	Ordered by the Court that Plaintiff is granted 10 days from this date to respond to Defendant, Southwest City Industrial Development Corp.'s Special Appearance and Motion to Dismiss. (AEB-J)v	

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
11-29-71	Recommendation of the U.S. Magistrate that the Application of the Plaintiffs for Preliminary Injunction should be denied. (MLB-U.S. Mag.) v	
11-29-71	Order approving the findings and recommendations of the Magistrate, filed. (AEB-U.S. Mag.) v <i>copies mailed.</i>	
1-14-72	Ordered that hearing on motions to dismiss of defts. be continued until 3-15-72, pending settlement of case. (MLB-Mag)hm	
3-15-72	Hearing on motions to dismiss of defts. passed pending settlement. (MLB-Mag)hm	
7-24-72	Application for order to dismiss with prejudice, filed. ds	<i>Order with order attached to Mr. [unclear]</i>
8-8-72	Order dismissing case with prejudice, filed and entered. rm copies mailed	

*1-14-72  
Called to advised  
to get response  
immediately*

*6-12 Check March  
Ramp final notes  
should be in within  
1 mo - if not, call  
T. [unclear]*

*6-12 Butcher will get  
an order for time  
to file settlement papers*

DATE	PROCEEDINGS	Date Order or Judgment Noted